

**Freedom Court Reporting, Inc**

**1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

Case No. 2:08-cv-422- TJW

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DEPOSITION OF LORRAINE MUTCH

May 6, 2010

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PATTY BEALL, MATTHEW MAXWELL, TALINA MCELHANY and  
KELLY HAMPTON, individually and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

TYLER TECHNOLOGIES, INC., and EDP ENTERPRISES, INC.,  
Defendants.

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APPEARANCES:

ZELBST, HOLMES & BUTLER

By Chandra L. Holmes Ray, Esq.

P.O. Box 365

Lawton, Oklahoma 73502

Appearing on behalf of Plaintiffs.

MORGAN, LEWIS & BOCKIUS, LLP

By Paulo B. McKeeby, Esq.

1717 Main Street, Suite 3200

Dallas, Texas 75201-7347

Appearing on behalf of Defendants.

Also Present: H. Lynn Moore, Jr.

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**EXHIBIT NO. 43**

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1                   Pursuant to Notice and the Federal Rules  
 2   of Civil Procedure, the deposition of LORRAINE  
 3   MUTCH, called by Defendants, was taken on Thursday,  
 4   May 6, 2010, commencing at 8:18 a.m., at 216 16th  
 5   Street, Suite 650, Denver, Colorado, before Beth  
 6   Milliken, Court Reporter and Notary Public within  
 7   and for the State of Colorado.

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## I N D E X

## 10   DEPOSITION OF LORRAINE MUTCH

## 11   EXAMINATION BY:

## PAGE

12           Ms. Holmes

114, 116

13           Mr. McKeeby

3, 115

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## EXHIBITS

## INITIAL REFERENCE

15

16   Exhibit 1   Letter from Boen to  
                  Mutch, 11/9/06

11

17

18   Exhibit 2   Time Report pertaining  
                  to Mutch, 12/3/06 to  
                  7/22/07

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19

Exhibit 3   Resume of Lorraine Mutch

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20

21   Exhibit 4   Consent to Opt In  
                  pertaining to Lorraine  
                  Mutch, 7/23/09

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1 same way with the city and county.

2 Q Well, at least with the respect to the  
3 ones that you worked with at Tyler?

4 A Correct. Payroll.

5 Q Who did the configuration if it wasn't  
6 you? Or did you say conversion?

7 A Conversion.

8 Q Is there -- is there a difference in your  
9 mind between conversion and configuration?

10 A Absolutely.

11 Q Okay. Tell me, if you can, what does  
12 conversion mean in the context of the Tyler  
13 software?

14 A Conversion is converting their data.

15 Q From the old system to the new system?

16 A Correct.

17 Q And that's something that you did not do?

18 A I did not.

19 Q Who at Tyler, while you were employed  
20 there, converted -- did the conversion work?

21 A They had a team that worked on the  
22 conversion of data --

23 Q And that --

24 A -- so they would log on to the server.

25 Q And that was a team that was based in

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1 Lubbock?

2 A Yes.

3 Q Did they call it the conversion team?

4 A I don't recall what they were called.

5 Q Did you interact or interface with the  
6 conversion team at all in terms of your functions as  
7 an implementation specialist?

8 A Well, you had to sign on or call them so  
9 they could sign onto the server. So they did their  
10 own portion of that work.

11 Q Okay. You weren't communicating the  
12 results of your information gathering in the, what  
13 we've talked about, determining security setup,  
14 looking at reports and user IDs, you weren't  
15 communicating the information that you learned from  
16 that process to the conversion team?

17 A No. That was all done through the  
18 project manager.

19 Q All right. What does configuration mean?

20 A Configuration is the setup of security,  
21 user IDs, basic setup.

22 Q Did you do that?

23 A Yes.

24 Q That was part of your implementation  
25 functions?

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1           A       (Nodded head.)

2           Q       Is that yes?

3           A       Configuration, yes.

4           Q       Would you do any configuration typically  
5 during that first week while you were at the client  
6 site, or would that come later?

7           A       That was usually done in the very  
8 beginning.

9           Q       So during that first week?

10          A       The first week everybody was set up with  
11 access to the database because at that point they  
12 weren't live.

13          Q       Right.

14          A       It was just...

15          Q       Well, the setup, the security setups and  
16 the user IDs, that had to be established in the new  
17 software, correct?

18          A       Correct.

19          Q       And that's what configuration is?

20          A       That's correct.

21          Q       And you -- part of your work as  
22 implementation specialist was to do that  
23 configuration?

24          A       Work with the customer to do that. The  
25 customer was -- you want to make the customer have

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1 ownership of the software as quickly as possible.

2 So we didn't do anything alone. The customer was  
3 involved in everything we did.

4 Q So when you're doing the configuration,  
5 you're involving the customer in terms of getting  
6 the customer's input as to how they want the system  
7 configured?

8 A Yes.

9 Q And, again, this is that contact person?

10 A Yes.

11 Q And so does this dialogue occur during  
12 this first week that you are at the customer site?

13 A Yes.

14 Q And this is obviously before you go live?

15 A Yes.

16 Q And I take it that the go-live process  
17 doesn't occur during the first week?

18 A No.

19 Q How -- I'll ask it this way: How long  
20 did the configuration process take place at the  
21 Bonifay, Florida, implementation?

22 A We were there a week.

23 Q And did it take you a week to do the  
24 configuration?

25 A Yes.

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1           Q       And does the configuration aspect of the  
2       implementation that took a week in Bonifay, Florida,  
3       involve you having discussions, I take it, with your  
4       contact person?

5           A       Yes.

6           Q       To learn what the customer's preferences  
7       are with respect to system setup?

8           A       Yes.

9           Q       And are you also learning -- are you also  
10      advising the customer during that dialogue about  
11      what Tyler software can do?

12          A       No.

13          Q       This doesn't come into play at all?

14          A       No.

15          Q       And this one-week period to do the  
16      configuration, is that representative of other  
17      implementations that you -- that you did?

18          A       Yes.

19          Q       Were you ever on the work site of the  
20      customer after hours?

21          A       Yes.

22          Q       What would you be doing after hours?

23          A       Working with customer. The customer  
24      always had to be there, obviously. Their door is  
25      locked after a certain time, so the customer was

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1     there.

2           Q       So just some of the configuration  
3     functions that you described was after the customer  
4     had locked the doors?

5           A       Yes. They still had to carry on their  
6     day-to-day work.

7           Q       Sure. Which meant that they didn't  
8     always have time for you to do -- to work with you,  
9     I take it?

10          A       Well, I would sit with them and observe  
11     what they were doing.

12          Q       During this dialogue related to  
13     configuration, would the customer ever ask you  
14     questions about different options that they might  
15     have with respect to security setups or anything  
16     like that?

17          A       No. They're the ones that identified  
18     what their security was going to be. I wasn't there  
19     to give them advice.

20          Q       What about with respect to the reporting  
21     functions of the software? Did they ever ask  
22     questions about what Tyler software could do with  
23     respect to what types of reports it could generate?  
24     Was your function explaining any of that process?

25          A       Whoever had completed the sale actually

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1     showed -- probably showed them a demo. I wasn't  
2     involved in that. So they had -- they knew most of  
3     that going into the -- when they purchased the  
4     software.

5           Q       But did they ever ask -- did the customer  
6     ever ask you questions about different types of  
7     reports that the Tyler system might be able to run  
8     that may have been different from the systems that  
9     they generated under their previous software?

10          A       No, no.

11          Q       Why was it important for you to -- you  
12     told me that one of the things that you did to  
13     prepare for these meetings was to review the manuals  
14     that we talked about. Why was that important for  
15     you to know that?

16          A       Just the applications themselves.

17          Q       Yes. Why? What about -- what part of  
18     your job while you were at the customer site  
19     required you to know the contents of the manuals and  
20     the specifications of the software that Tyler was  
21     providing?

22          A       It didn't have specifications. It was  
23     just screen shots of the application itself.

24          Q       And -- okay. Why was it important for  
25     you to know the screen shots of the application

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1     itself in connection with a function that you were  
2     performing?

3           A       Just to familiarize myself. We did  
4     after -- after hours, we always prepared for the  
5     next day. We had the software on our computer. We  
6     did -- went over --

7           Q       The Tyler software?

8           A       -- went over what we were doing, just to  
9     prepare for the next day, like you probably would.

10          Q       What type of training did you perform  
11     during this first week? Again, using Bonifay as an  
12     example, but more asking about the typical process.

13          A       Training the first week?

14          Q       Yeah. Did you do any training?

15          A       The customer was involved from the very  
16     beginning of -- of your point -- your first contact  
17     there, the customer was involved, which is training  
18     the customer.

19          Q       Okay. Was there any part of this first  
20     week's activity that involved sitting down with  
21     users and explaining to them how to work with the  
22     Tyler software?

23          A       No. Other than setting up the user IDs,  
24     that type of thing. So, in fact, when you're  
25     showing them how to do that, that is training.

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1           Q       And the person that you're showing how to  
2   do that is the contact person?

3           A       Would be the contact person. Or let's  
4   say there is a payroll person, that is your contact.  
5   Whoever that contact is is who you're sitting down  
6   with talking to.

7           Q       And how about -- let's take an example  
8   of, one of the things that Tyler software does is to  
9   run payroll reports, right?

10          A       The customer runs those.

11          Q       Right. But the software, they run it  
12   with the software?

13          A       Sure, yes.

14          Q       Okay. And that's -- that's one of the  
15   functionalities of the software, is to do the  
16   company's payroll?

17          A       Correct.

18          Q       The customer's payroll, correct?

19          A       Correct.

20          Q       Okay. Did you ever do any training, in  
21   the sense of here's how the Tyler software works  
22   with respect to, for example, payroll; here's the  
23   types of reports you can run; here's the types of  
24   functionalities that the software has. And, you  
25   know, sitting with a user, explaining to them how to

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